

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

NO. 5:17-CR-00134-BR-1

UNITED STATES OF AMERICA

v.

XAVIER MILTON EARQUHART

NOTICE OF DEFENDANT'S  
POSITION AS TO SENTENCING  
BY VIDEO CONFERENCING

The Office of the Federal Public Defender hereby respectfully provides notice to the Court of defendant Xavier Milton Earquhart's position as to sentencing by video conference on October 26, 2020.

In response to this Court's text order entered October 6, 2020, undersigned counsel consulted with Mr. Earquhart and with Assistant United States Attorney Will Gilmore. Undersigned counsel and the government's counsel are not aware of any specific reasons that Mr. Earquhart's sentencing cannot be further delayed without serious harm to the interests of justice. Undersigned counsel consulted with Mr. Earquhart by jurislink video conferencing on October 9, 2020 regarding this matter. At that time, Mr. Earquhart advised counsel he would consent to his sentencing being continued to November 23, 2020. Over the weekend, Mr. Earquhart emailed undersigned counsel regarding this matter. Based on these emails, undersigned counsel is unsure of Mr. Earquhart's position at this time. As of this date, Mr. Earquhart has not advised undersigned counsel of any specific reasons his sentencing cannot be further delayed without serious harm to the interests of justice.

Respectfully submitted this 13<sup>th</sup> day of October, 2020.

G. Alan DuBois  
Federal Public Defender

/s/ Rosemary Godwin  
ROSEMARY GODWIN  
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Attorney for Defendant  
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N.C. State Bar No. 18217  
LR 57.1 Counsel Appointed

*CERTIFICATE OF SERVICE*

I HEREBY CERTIFY that a copy of the foregoing was served upon:

WILLIAM GILMORE  
Assistant United States Attorney  
150 Fayetteville Street, Suite 2100  
Raleigh, NC 27601

by electronically filing the foregoing with the Clerk of Court on October 13, 2020, using the CM/ECF system which will send notification of such filing to the above.

This the 13th day of October, 2020.

/s/ Rosemary Godwin  
ROSEMARY GODWIN  
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Attorney for Defendant  
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